REMARKS

In accordance with the foregoing, claims 1-31 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 2, 7, and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kim et al. (U.S. Publication 2003/0012558) in view of Tanaka (U.S. Publication 2001/0029500). The rejection is respectfully traversed and reconsideration respectfully requested.

For the purpose of review, Kim et al., discloses an information storage medium that contains closed-captioning information in multiple human languages and an apparatus and method to reproduce such information. The data for the multiple languages closed-captioning or text is contained in multiple markup documents (Kim et al., Abstract) which are cached by the cache memory after the file is read by a DVD reader (Kim et al., par. 0045). The disclosures made in Kim et al. focus on reproducing multi-language markup documents and the corresponding AV content. For additional review, Tanaka discloses an invention providing an online image storage and printing apparatus and method. The abstract of Tanaka discloses an image storage device where "[a]n image storage has a memory for digital image data of providers, a condition for each provider in storing the digital image being controlled in accordance with the history of use by image users." Figure 1 of Tanaka, as described in par. 0031, shows a user terminal of an image provider, item 2, providing image data to an image storage, item 1, through a network, item 3, allowing an image user, item 4, to download an image from the image server through a network, item 5. Thus, the disclosures in Tanaka relate to the online uploading, storage and downloading of data of images.

With regards to claim 1 of the present application, Kim et al. discloses a cache memory that caches markup data (Kim et al., par. 0045), and as such, teaches an Enhanced Audio/Video (ENAV) buffer. Additionally, Kim et al. teaches the processing of ENAV files with respect to the markup files for captioning in different human languages. However, Kim et al. does not disclose that the ENAV engine reads the ENAV file, and loads the ENAV file in the updateable markup area of the ENAV buffer. Kim et al. does not disclose this because, as the Examiner acknowledges in item 2, page 3 of the Office Action, "Kim fails to specifically teach that the

ENAV engine allocate[s] an area as a markup area for storing the data." As Kim et al. does not teach the ENAV engine allocating "an area as a markup area for storing the data," it does not disclose the ENAV engine reading the ENAV file and loading the ENAV file in the updateable markup area of the ENAV buffer because there is no allocated updateable markup area of the ENAV buffer in Kim et al.

Additionally, Kim et al. does not disclose an ENAV engine which interprets and reproduces the buffered ENAV file to be reproduced with the AV data in an interactive mode. Kim et al, in pars. 0009-0013, discusses an information storage medium and describes the type of information stored on such a medium, disclosing the storage of AV data and markup documents containing text data for the captions of multiple human languages to be displayed with corresponding AV data. As per what is disclosed in Kim et al., in pars. 0019-0021: par. 0019 discloses a method to reproduce the AV data through the markup document that may have captioning in one of multiple languages; par. 0020 discusses the reproduction of AV data and multiple language sub-picture data to present captioning; and par. 0021 discloses identifying a code found on the markup document that indicates the language in which captions are to be displayed. However, none of the above paragraphs of Kim et al. disclose either an ENAV engine or an interactive mode, and thus, Kim et al. does not teach such.

Continuing with claim 1 of the present application, Tanaka discloses the allocation of a memory to HTML data in the fig. 2 diagram of an image storage. (Tanaka, 0032). This allocated memory space is an "HTML...file area 12 for storing image data to be transmitted to personal computer 2 or 4 for the monitor thereon by the image provider or the image user." (Tanaka, 0032). Although Tanaka discloses an HTML file area for storing images, Tanaka does not teach an ENAV engine allocating at least a portion of the ENAV buffer as an updateable markup area based on ENAV buffer configuration information, because Tanaka teaches the storage of image data in HTML format in fig. 2 and par. 0032, does not disclose or suggest ENAV, and thus does not teach ENAV buffer configuration information nor an updatable markup area based on ENAV buffer configuration information. Therefore, the Examiner's use of Tanaka as teaching an ENAV engine allocating at least a portion of the ENAV buffer as an updateable markup area based on ENAV buffer configuration information is incorrect and doesn't cure the deficiency of Kim et al.

Additionally, the Examiner doesn't provide adequate reasoning or motivation for why Kim et al. and Tanaka would be combined, especially in light of the fact that the art of Kim et al. corresponds to the reading and reproduction of AV captioning data on DVDs while Tanaka is an

invention in the art of computer network graphic image or digital picture storage and printing. The examiner does not provide a reasoning or explanation of how such divergent arts can be combined to teach features as recited in claim 1 of the present application. The Examiner merely provides a conclusory statement in reciting language of claim 1 of the present application as per what a combination of Kim et al. and Tanaka may teach. In addressing obviousness, in KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727, the Supreme Court cited In re Kahn, which states "rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." In re Kahn, 441 F. 3d 977, 988 (CA Fed. 2006). Thus, as the Examiner has not provided either an articulated reason or rational underpinning to support the conclusion that combining Kim et al. and Tanaka is obvious, there is no reason to believe the two divergent disclosures would be or could be combined. Thus, with no motivation to combine Kim et al. and Tanaka, it is respectfully asserted that the combination of Kim et al. and Tanaka does not disclose, teach or suggest the features as recited in claim 1.

Furthermore, Applicants respectfully assert that dependent claim 2 is allowable at least because of its dependency from claim 1, and because it includes additional features that are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 2 also distinguishes over the prior art.

With respect to claim 7 of the present application, Kim et al. does not teach an ENAV buffer in which is to be loaded an ENAV file for providing a predetermined Internet service. Kim et al., as noted above, is concerned with multiple language captions and the processing and displaying of such. Kim et al. does not teach the buffer as disclosed in claim 7 of the present application because Kim et al. does not disclose a predetermined Internet service. Additionally, as discussed above, Kim et al. does not teach an ENAV engine which interprets and reproduces the buffered ENAV file to be reproduced with the AV data in the interactive mode because Kim et al. does not teach an interactive mode, as recited by features of claim 7.

Furthermore, with respect to claim 7, the Examiner provides no motivation for the combination of Kim et al. and Tanaka. As noted above, with respect to claim 1, the arts of Kim et al. and Tanaka are not related and the Examiner provides no reasoning or explanation of how the two unrelated technologies would be combined. The Examiner does not meet the burden of providing an articulated reasoning and rational underpinning to the combination of Kim et al. and Tanaka. Therefore, it is respectfully asserted that Kim et al., in view of Tanaka does not

disclose, teach or suggest the features as recited in claim 7.

Furthermore, Applicants respectfully assert that dependent claim 8 is allowable at least because of its dependency from claim 7, and because it includes additional features that are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claim 8 also distinguishes over the prior art.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

ALLOWABLE SUBJECT MATTER:

Claims 3-6 and 9-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The rejection for the base claim 1 has been respectfully traversed above, and therefore, claims 3-6 and 13 are respectfully asserted as patentable due at least to their dependencies on claim 1. The rejection for the base claim 7 has been respectfully traversed above, and therefore, claims 9-12, 14 and 15 are respectfully asserted as patentable due at least to dependencies on claim 7.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: ___12/3/08___

By: _____

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